

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ESTATE OF GERARDO VALENTINEZ, et
al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 08cv781 BEN (WMC)

**ORDER FOLLOWING EARLY
NEUTRAL EVALUATION
CONFERENCE, SETTING RULE 26
COMPLIANCE AND NOTICE OF
SETTLEMENT/CASE MANAGEMENT
CONFERENCE**

On September 4, 2008 the Court convened an Early Neutral Evaluation Conference in the above-entitled action. Appearing for Plaintiff were Eugene Iredale, Esq., and Guadalupe Valencia, Esq. Appearing for Defendant were Richard Tolles, Esq., and Chris Duncan, Esq.

Settlement could not be reached in the case at this time.

The Court discussed compliance with Fed. R. Civ. P. 26 and based thereon, issues the following orders:

1. The Rule 26(f) conference shall be completed before ***September 30, 2008***;
2. A discovery plan shall be lodged with Magistrate Judge McCurine, Jr. on or before ***October 10, 2008***. Regarding each witness, the discovery plan will include the name, most current address, most current phone number, and a brief description of the subject matter of his/her testimony. The discovery plan will also include the anticipated dates for the completion of both non-expert discovery and expert

discovery; and,

3. The date of *detailed* initial disclosures pursuant to Rule 26(a)(1)(A-D) shall occur before ***October 24, 2008***;

4. Counsel and parties with full settlement authority are ordered to appear ***on November 14, 2008 at 9:30 a.m.*** in the chambers of United States Magistrate Judge William McCurine, Jr., 940 Front Street, Courtroom C, San Diego, California, 92101, for a Settlement/Case Management Conference pursuant to Federal Rule of Civil Procedure 16(b). **A structured settlement professional shall also be required to attend the Settlement/Case Management Conference.**

Full authority to settle means that the individual present at the settlement conference has the unfettered discretion and authority to: 1) fully explore settlement options and to agree at that time to any settlement options; 2) agree at that time to any settlement terms acceptable to the parties; 3) change the settlement position of a party; and 4) negotiate monetary awards without being restricted to a specific sum certain.

5. No motion for leave to amend shall be filed until after the November 14, 2008 Case Management/Settlement Conference.

Failure of any counsel or party to comply with this Order will result in the imposition of sanctions.

IT IS SO ORDERED.

DATED: September 4, 2008



Hon. William McCurine, Jr.
U.S. Magistrate Judge, U.S. District Court